

REMARKS

The Examiner has required restriction in the above-identified application as follows:

Group I: Claims 1-9, drawn to a fertilizer, classified in class 71, subclass 21; and

Group II: Claims 10-17, drawn to a “system”, classified in class 422,
subclass 291.

For the purpose of examination of the present application, Applicant elects, with traverse, Group II Claims 10-17, as now amended, for further prosecution at this time.

The basis for Applicants’ traversal is that there is no undue burden on the Examiner. Claims 1-9 of Group I are drawn to a process for recycling litter to make fertilizer and Claims 10-17, as amended, are drawn to a poultry litter fertilizer manufacturing system. The two groups are of a nature that the search required for one group would overlap the search required for the other group. For this reason, Applicant asserts that there would be no undue burden on the Examiner to examine all claims of the application at this time.

In view of the foregoing, Applicant requests reconsideration of the requirement for restriction and continued prosecution on the merits of all claims in this application.

However, in the event that the Examiner chooses not to rejoin and consider Claims 1-9 of Group I and Claims 10-17 of Group II at this time, Applicant elects Claims 10-17, as now amended, with traverse, for examination on the merits. Applicant further reserves the right to file one or more divisional applications to the non-elected subject matter, if he so wishes.

Applicant has amended Claims 12-17 to more clearly define the dependent claims as depending directly or indirectly from Claim 10, which defines a system. Support for the amendment to Claims 12-17 is found in the specification and claims as originally filed. Particular support is found at page 3, line 13 through page 4, line 19. No new matter has been entered.

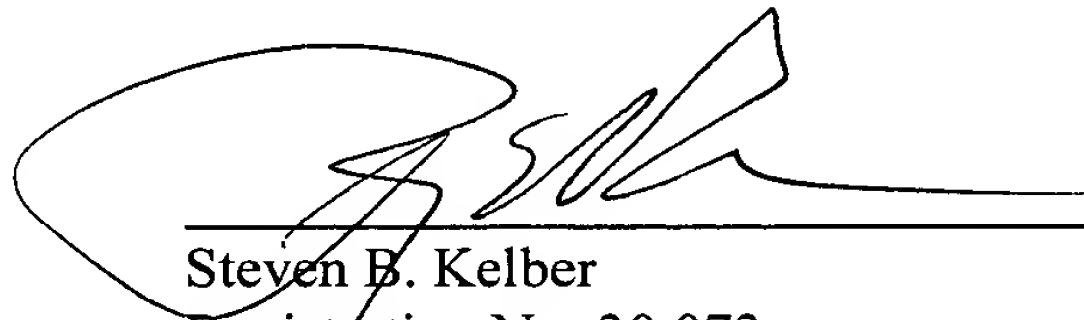
CONCLUSION

Applicant respectfully submits that, in view of the foregoing amendments and remarks, this application is now in condition for examination on the merits. Early notification of such action is earnestly solicited.

If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

Respectfully submitted,

PIPER RUDNICK LLP

A handwritten signature in black ink, appearing to read 'S. Kelber', is written over a horizontal line.

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